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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,486	02/12/2004	Bruno Zweideck	A71.12-0003	2307

7590

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Robert M. Angus  
Westman, Champlin & Kelly  
Suite 1600  
900 Second Avenue South  
Minneapolis, MN 55402-3319

EXAMINER

COLLADO, CYNTHIA FRANCISCA

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/777,486

Applicant(s)

ZWEIDECK, BRUNO

Examiner

Cynthia F. Collado

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37-CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/12/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings Objection***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, *bringing back the wheels* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites the limitation "the rolling elements" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 9 recites "the rolling elements " in line 2 is unclear. In order to continue examination of the case, examiner assumes "pushchair wheels" is correct. Claim 9 is being considered as such.

Claim 14 recites "bringing back the wheels " in line 2 is unclear. In order to continue examination of the case, examiner assumes " folded pushchair" is correct. Claim 9 is being considered as such.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hartenstine et al'473 (Us Patent No. 6,666,473).

Regarding claim 1, Hartenstine teaches a folding frame comprising two front legs, each carrying at least one wheel (column 1, lines 46-52), during the folding legs approach each other (figure 3, element FW), at least one of the front legs is equipped with means for bearing on the ground, set in such a way as to come into contact with the ground when the pushchair is unfolded and standing on its wheels (figure 3, element 52C).

Regarding claim 2, Hartenstine teaches the inclusion of bearing means on each of the front legs (figure 2, element 70).

Regarding claim 3, Hartenstine teaches a the bearing means are mounted in such a way that when they are in contact with the ground, the wheels carried by the front legs are no longer in contact with the ground (figure 3, element 52, P1 and P2).

Regarding claim 4, Hartenstine teaches the bearing means are set in such a way that they come into contact with the ground when the front legs are displaced so as to reduce the angle they form with the vertical (figure 3, 52C).

Regarding claim 5, Hartenstine teaches bearing means are set such a way that they extend slightly beyond the wheels, in the horizontal plane, when the pushchair is unfolded and standing on its wheels (figure 2, element 52C).

Regarding claim 6, Hartenstine teaches the bearing means are designed so that they simplify bringing the front legs together (figure 3, P5, P5).

Regarding claim 7, Hartenstine teaches the bearing means comprise at least one rolling element (figure 1, element FW).

Regarding claim 8, Hartenstine teaches the rolling element belonging to the group consisting of castors (figure 3, 52C).

Regarding to claim 9, Hartenstine teaches the rolling elements are set so as to rotate around an axle carried by an integral part of the leg, set in such a way that the plane of rotation of the rolling element or elements is parallel to or merged with the plane extending between the legs (column 1, lines 46-52).

Regarding claim 10, Hartenstine teaches the bearing element or elements extend closely along the prolongation of the corresponding front leg (figure 3, element 52).

Regarding claim 11, Hartenstine teaches the front legs carries a unit of two wheels, and in that the bearing elements are set between the two wheels of at least one of the units (see figure 1, elements W1, W2 and 35).

Regarding claim 12, Hartenstine teaches the wheel or wheels carried by the front legs are directional wheels (figure 2, element FW).

Regarding claim 13, Hartenstine teaches a means for locking the wheels in a fixed position parallel to the principal axis of the pushchair (see figure 2m element 70), also see (column 8, lines 54-65).

Regarding claim 14, Hartenstine teaches a means for bringing back the wheels act on the locking means of the wheels (figure 3, element 52) and (figure 1, element 35).

Regarding claim 15, Hartenstine teaches a means for bringing back the wheels act on the locking means of the wheels (column 8, lines 54-65).

Regarding claim 16, Hartenstine teaches a means for bringing back the wheels comprise return means (see figure 3, element 52)

Regarding claim 17, Hartenstine teaches the inclusion of means for bringing the bearing means into working position during folding, and for retracting the bearing means when the pushchair is unfolded (see figure 2, 52C).

Regarding claim 18, Hartenstine teaches the bearing means are mounted in such a way that, when they are in contact with the ground, the wheels carried by the front legs are no longer in contact with the ground (see figure 3, elements 52, P1 and P2).

Regarding claim 19, Hartenstine teaches the means are set in such a way that they come into contact with the ground when the front legs are displaced so as to reduce the angle they form with the vertical (see figure 3, elements 52 and 52C).

Regarding claim 20, Hartenstine teaches the bearings means are set in such a way that they extend slightly beyond the wheels, in the horizontal plane, when the pushchair is unfolded and standing on its wheels (see figure 2, element 5C).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,666,473 issued to Hartenstine et al teaches "Foldable stroller with passenger support base".

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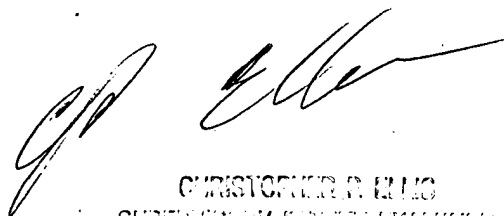
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia F. Collado whose telephone number is (571)2728315. The examiner can normally be reached on mon-fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571)2726914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CFC

6/29/05



CHRISTOPHER A. ELLIS  
SUPERVISOR, PATENT EXAMINER  
TECHNICAL CENTER